

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BRIAN C. REILLY)	
)	
VS.)	CIVIL ACTION NO.
)	
US AIRWAYS, INC.)	

COMPLAINT

Parties

1. At all relevant times, the Plaintiff, Brian C. Reilly, was a resident of Boston, Massachusetts.

2. At all relevant times, the Defendant, US Airways, Inc. was a Delaware corporation with its principal offices located in Tempe, Arizona.

Jurisdiction

3. This is an action between citizens of different states, and the matter in controversy exceeds \$75,000, exclusive of interest and costs.

4. Jurisdiction is based upon 28 U.S.C. § 1332.

5. The Defendant has sufficient contacts with the Commonwealth of Massachusetts to be subject to the jurisdiction of this Court.

6. Venue is proper pursuant to 28 U.S.C. § 1391(a).

Facts

7. At all relevant times the Defendant, US Airways, Inc., was a wholly owned subsidiary of US Airways Group, Inc. US Airways Group, Inc. is a holding company whose primary business activity is the operation of a major network air carrier through its wholly owned subsidiaries, including Defendant US Airways, Inc.

8. At all relevant times, the Defendant, US Airways, Inc., conducted business as a commercial airline in the United States providing both domestic and international service. At all relevant times, the Defendant, US Airways, Inc., conducted business at Logan International Airport in Boston, Massachusetts.

9. On or about February 7, 2009, the Plaintiff, Brian C. Reilly, was a passenger on a flight from Charlotte, North Carolina to Boston, Massachusetts. After disembarking from the flight, the Plaintiff, Brian C. Reilly, was assaulted and battered by Carlos Abad. At all relevant times, Carlos Abad was an employee, servant and agent of the Defendant, US Airways, Inc., and was acting in the course and scope of his employment.

COUNT I (Negligence)

10. Paragraphs 1 through 9, inclusive, are incorporated by reference as if fully set forth herein.

11. At all relevant times on or about February 7, 2009, Carlos Abad was under the supervision of agents, servants and employees of the Defendant, US Airways, Inc.

12. At all relevant times, the Plaintiff, Brian C. Reilly, exercised due and reasonable care for his own safety and well-being.

13. At all relevant times, the Defendant, US Airways, Inc., by and through its agents, servants and employees, owed a duty to exercise due and reasonable care to prevent injuries to persons, such as the Plaintiff, Brian C. Reilly, who were customers of the Defendant, US Airways, Inc. and to properly supervise its agents, servants and employees.

14. The Defendant, US Airways, Inc., by and through its agents, servants and employees, breached said duty in the following way, among others: (a) failing to

properly supervise Carlos Abad; (b) failing to prevent Carlos Abad's assault and battery on the Plaintiff, Brian C. Reilly, and (c) failing to timely intervene and minimize Carlos Abad's assault and battery on the Plaintiff, Brian C. Reilly.

15. As a direct and proximate result of the negligence of the Defendant, US Airways, Inc., by and through its agents, servants and employees, the Plaintiff, Brian C. Reilly, suffered serious physical injuries. The Plaintiff, Brian C. Reilly, suffered great pain of body, nerves and nervous system, was rendered disabled and impaired, has suffered and will in the future suffer a loss of enjoyment of life, has been unable to perform his usual daily activities, has become and will in the future become liable to pay sums of monies for hospital and medical treatment, care and attention, and the Plaintiff, Brian C. Reilly, otherwise was and is injured.

WHEREFORE, the Plaintiff, Brian C. Reilly, demands judgment against the Defendant, US Airways, Inc., for compensatory damages, plus interest and costs.

DEMAND FOR JURY TRIAL

The Plaintiff, Brian C. Reilly, hereby demands a trial by jury.

Plaintiff, Brian C. Reilly
By His Attorneys,

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Dated: January 4, 2010